



# Macedonia Court Modernization Project

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## Summary of Civil Case Flow Processing Time in the Macedonia Basic Courts

### Survey of Closed and Pending Cases

**December 2003**

#### **I. Introduction and Purpose**

This study of the current case processing time in the Macedonia Basic Courts was conducted by the Macedonia Court Modernization Project during the period of July to October 2003. There were two primary objectives for this assessment. First was to establish a baseline of case processing times and the age of the pending caseloads from which to measure the success of changes implemented in the pilot courts. Secondly, the survey allowed the project to identify specific areas where modifications to case flow practices might be most productive. The purpose of this summary is to present some of the key findings from the closed and pending case surveys and to offer recommendations for development of improvements in the case management system.

The closed case survey is an approach that requires an examination of a representative sample of source documents, such as case registers and case files as a means of obtaining detailed information on the types of cases, time for case processing and methods of disposition of cases in a pilot court. The design for Macedonia utilized two case processing survey models as the basis for the design. First, DPK Consulting has designed a report entitled "Guidelines for Closed Case Survey and Data Collection" which forms the primary basis for this survey design. The DPK guidelines have been used in a number of international pilot court assessments and thus have been field tested and validated. Secondly, the MCMP has based the sampling and data collection methods on the U.S. National Center for State Courts, Court Performance Standards and Measurement System Guidelines (1996) as a second source of reference. Data collection forms and elements of both survey approaches were consistent with these standards and were adapted to reflect the current process and terminology used in the Macedonia Basic Courts. The data collection instrument was initially field tested in one pilot court (Prilep) during May 2003. Key judges and administrative staff were selected as subject matter experts (SME's) in Trial Court Prilep. The SME's reviewed all data collection forms, data element and coding definitions and provided detailed feedback. The data collection instrument was revised and again reviewed by these key SME's as required to validate the survey for use in the Macedonia courts.

The objective of the closed case survey is to collect civil case processing information from the seven selected pilot courts in order to establish baseline data and to answer the following questions:

1. What is the pace of litigation in the pilot court?
2. What case factors are closely related to the pace of litigation?
3. What happens at scheduled court hearings?
4. What is the current nature and state of the backlog of cases in the pilot courts?

It must be noted that the primary purpose of the closed case survey was to assist the pilot courts in identifying a method for self assessment of case processing and to identify practical strategies to reduce backlog and case delay. Toward this end, closed and pending cases data bases for the consolidated seven pilot courts and for each individual court were provided to each pilot court with an analysis of key elements related to case backlog and delay. The summary of civil case processing provided in this paper will review only the consolidated data analysis from all cases reviewed in all Basic Courts.

## **II. Survey Methods**

The survey design required collection of seventeen elements of basic case information on each case. In addition, a second data collection form captured detailed information about all of the scheduled trial events in each of the sample cases. The survey information was obtained by reviewing the General Civil and Commercial Case Registers and the original case files in the pilot courts Prilep, Struga, Bitola, Stip, Kocani, Kriva Palanka and Tetovo.

The sample of cases was pre-selected by MCMP staff according to a systematic sampling of the cases in the population with a minimum of 250 cases in each court selected for examination.

The closed cases to be included in the study will be identified in the Courts Registers in which basic case information on all new cases is entered. This register keeps track of when cases were filed, key events in the case and the date that the case was concluded. For each scheduled trial date, three pieces of information are gathered: 1) the date the trial was scheduled to occur, 2) what happened regarding the noticing process, and 3) the outcome of the hearing or scheduled event and action taken by the judge on the scheduled date.

From the basic data elements gathered in the survey instruments, a number of other pieces of information and characteristics of the Macedonia civil litigation process could be calculated or derived. For example, the measures of time to disposition by type of case, the time between key events and number of times a case must be set for trial before being heard was calculated. This type of information can be valuable in understanding the causes and reasons for delay and can assist the court in designing specific strategies to impact the problems identified.

In order to obtain a reliable sample of the pace of litigation the sample of closed cases was drawn from the population of cases closed in 2002. In order to include all cases in the sample, the case registers were reviewed going back through all cases filed in each pilot court since 1993. In this way, cases that may have taken as long as ten years to resolve were included in the sample of cases closed by the court in 2002. Sampling began with the last case filed in calendar year 2002 and proceeded back through all targeted case (e.g. civil, commercial) filings for the years 1993 through 2002.

Data collection was completed by two teams of Legal interns trained by a short term U.S. court management consultant in the data collection procedures. The data collection process was completed in seven pilot courts over a period of ten weeks. Data entry was then be accomplished in Skopje by MCMP staff utilizing EXCEL software. Survey results for the aggregate of all seven pilot courts was analyzed, summarized and reported in draft form to the respective pilot court presidents for initial review in September, 2003. This report provides the final aggregate closed and pending case results. Individual pilot court results are not reported in this document, however, detailed individual reports will be provided to each pilot court President Judge. In addition, the pilot courts will obtain a CD-ROM data file and analysis for their court to be used for self assessment and local improvement.

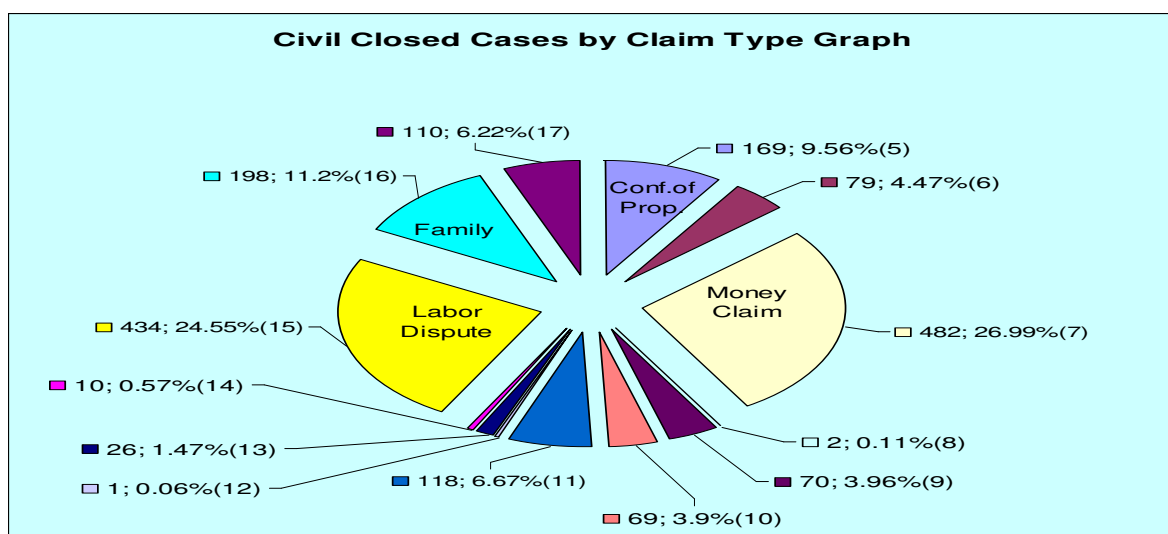
A separate profile of cases pending in each pilot court was selected and examined on factors of case type and age from case filing through a similar sampling method. These case aging results were also reported to each pilot court in October 2003 and formed the basis for backlog reduction plans developed in the pilot courts.

## IV. Key Data Analysis and Findings

### *a. Types of Civil Claims Handled By the Basic Courts*

A civil case typology was developed with input from experienced court administrators and judges as a means of better understanding the nature and complexity of civil disputes being handled by the Basic Courts. Common case types were reviewed by court management experts and were validated by a field testing a sample of cases in the Prilep Basic Court. Pilot Court President Judges and Court Secretaries were provided with the case type codes developed and asked to add case types they thought were relevant.

The distribution of claim types in the closed case sample of civil disputes disposed during 2002 in seven Basic pilot courts was as follows:



Claims for Money damage (26.9%) and Labor Disputes (24.6%) constituted the largest case types followed by Family (11.2%) and Confirmation of Property (9.6%). The complete breakdown for all cases in the sample of closed cases can be found in Appendix A. The largest categories of claims handled and disposed by the Basic courts involved money claims, property confirmation and labor disputes.

#### ***b. Value of Civil Money Claims***

Claims for money damages represent the largest category of civil dispute handled by the Macedonia Basic Courts. The large majority of these claims were found to involve relatively small value money disputes between individual physical entities. Fully 54.7 % of all money claims contained in the sample of closed cases involved claims of less than 150,000 MKD ( 2,500 EURO) and an additional 37.5% of money claims had no amount specified. A very small number of money claims could be considered high value claims in that only 3 % of claims were for 500,000 MKD (8,000 EURO). The implications are that these claims are relatively simple claims involving book account cases which should not pose serious procedural or legal complexity.

#### ***c. Measures of Case Processing Efficiency***

Three key measures that are commonly used to evaluate the timeliness of case processing in a trial court are: Time to Disposition, Backlog, Trial Certainty as defined below. Prior to this closed case survey, there was little or no objective data found to exist in Macedonia on the first three case processing measures. While court statistical data on cases filed and cases disposed by the courts has been available, no data was found to exist regarding the time to disposition, trial certainty of cases heard by the Macedonia Courts or on the aging of the case backlog, i.e. the number and percentage of cases pending that exceeded recognized time standards. As such, the focal point of this analysis was on the following:

**(1)Time to Disposition** defined as the elapsed time between complaint filing and case disposition;

**(2) Backlog** defined as the number and percent of cases pending disposition that are beyond a agreed upon time standard;

**(3)Trial Certainty**, defined as the number of times a case is set for trial listing before it is disposed, or the percentage of cases scheduled for trial that are actually tried or disposed on the trial date;

At present, the primary measures of effective court performance in Macedonia are based upon the number of dispositions per judge and level of pending caseloads in each court. There are no formal time standards for case processing in the Macedonia judiciary and no generally accepted definition of a backlog time standard for civil cases. As such, all pending civil cases are noted as being in “backlog” whether they are one day old or ten years old.

The closed and pending case studies focus on collecting source data from the Basic Courts to understand the current state of case processing in the Macedonia Basic Courts consistent with these accepted measures for effective case processing.

One important caveat in reviewing these measures, is that together, they represent different aspects or elements of the effectiveness of a case processing system. For example, a court that relies only upon “number of dispositions” and ignores the age of pending cases runs the risk of increasing dispositions of “simple” cases while the backlog of older cases builds. Taken together, the measures illustrate different aspects of the performance of the case processing system, and adequate standards and performance on all three measures are needed for a balanced case processing system.

Overall, a comparison of the Macedonia Basic Courts performance as compared to case processing standards can be summarized as follows:

Performance Measure	Recommended Standard	Macedonia Courts
Time to Disposition	90 % Disposed Under 1 year	78% Disposed Under 1 year
Case Backlog	10% Pending Over 1 year	45% Pending Over 1 year
	0% Pending Over 3 years	18% Pending Over 3 years
Trial Certainty	75% Heard or Disposed on Date	34% Heard or Disposed

By these standards, the pilot courts fared relatively well in terms of disposition times for cases closed during 2002, with 78% being disposed within 1 year. On the measure of case backlog, the Macedonia courts fared poorly, with 45% of all active pending cases being over 1 year of age and 18% of active cases being older than 3 years of age. Trial date certainty or the probability of having a case heard or disposed on the trial date was also found to be significantly low, with less than 34% of cases scheduled for trial actually being tried or disposed on that date. A detailed review of the data and analysis of the results in each area follows.

### ***(1) Time to Disposition***

Time to disposition measures actual time a case takes from filing of the complaint until disposition in the Basic courts. The time to disposition for civil cases in the pilot courts averaged 223 days with a range of 2 days to 3,558 days. The median time, that is the point at which one half of all cases are disposed, was 120-180 days.

A commonly used measure of “on-time” civil case processing is the number and percentage of cases disposed by the court within 1 year of filing. Conversely, the number of cases pending in excess of one year is commonly accepted as “case backlog”. American Bar Association (ABA) standards, which are the most widely applied international case processing time standards suggest that 90% of all civil cases should be disposed within 1 year of filing; 95% within 2 years of filing and 100% within 3 years of filing of the complaint.

The generally accepted general civil disposition standard is that 90 percent of cases are disposed within 12 months. In the Macedonia pilot courts 78 percent of the sampled civil cases were disposed within 12 months. While this is not unusually slow when compared with many courts in the U.S., it is slower than the acceptable standard.

Chart CC-1 below displays the distribution of all cases processing times in the pilot courts for the sample of cases closed in 2002.

**Chart CC-1 Civil Closed Cases Elapsed Time to Disposition**

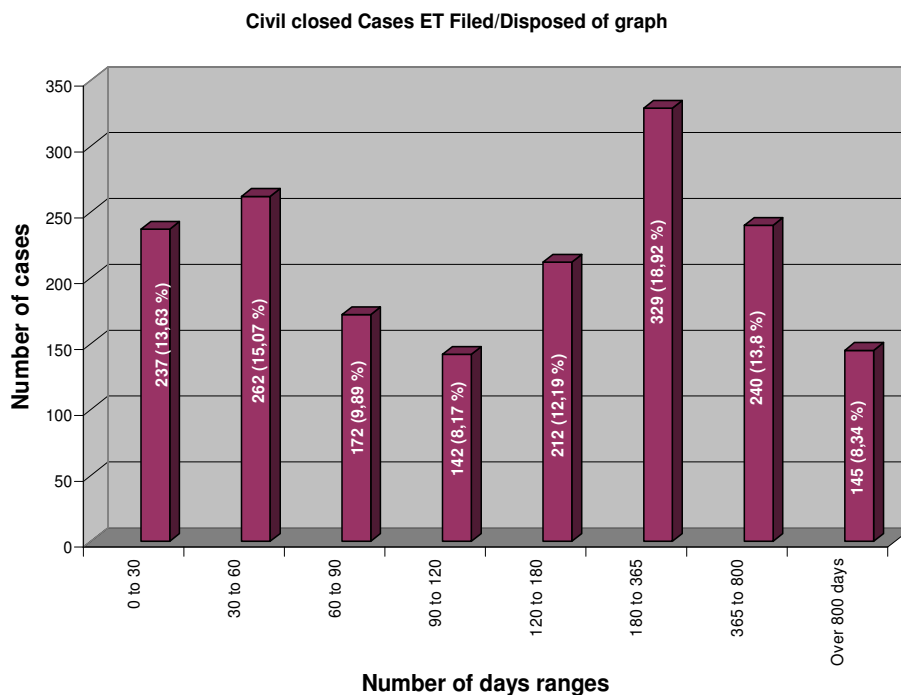
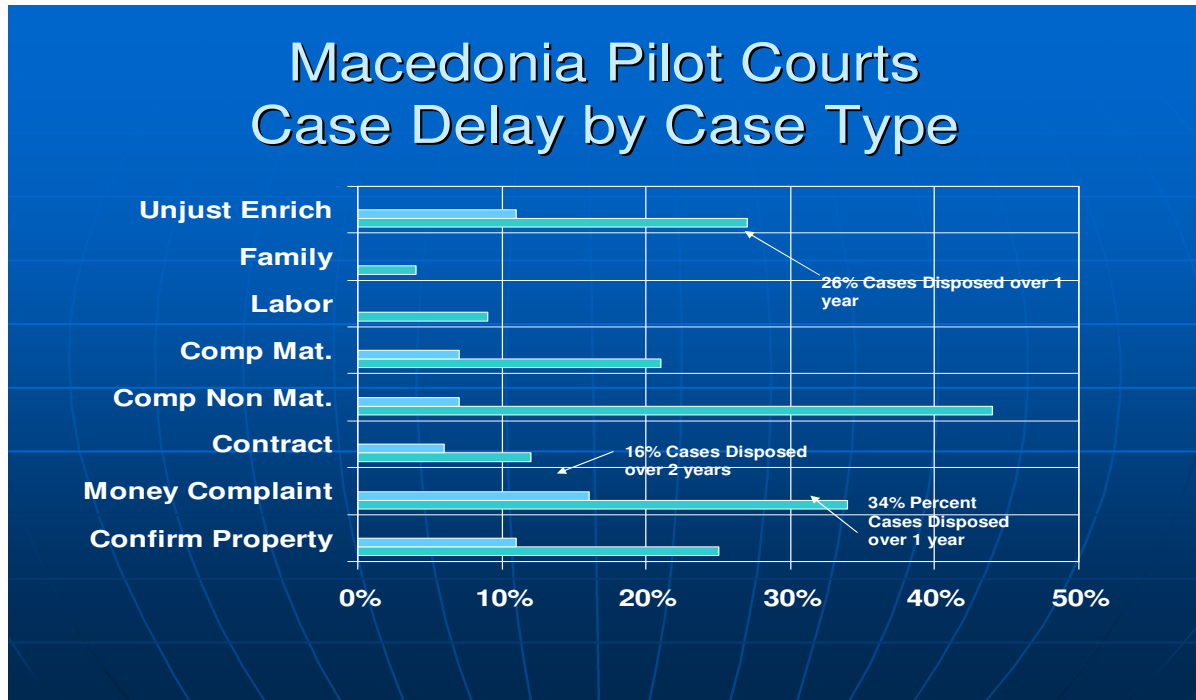


Chart CC-1 shows the number of cases disposed within time parameters from 30 days to over 800 days. Most notably, while the median time to disposition was 223 days, and fully 78.1 per cent of the cases closed in 2002 were disposed in less than one year. These case processing times are not particularly slow when compared to accepted time standards (optimum of 90% disposed within one year as the ABA standard). Many trial courts in the U.S. show comparable civil case processing times, and a court that processed 70 -80% of civil cases “on time” i.e. in less than one year would generally be within the range of a moderately efficient court.

Looking at time to disposition for major case types, Chart CC-2, shown below, reveals that while 22 percent of the total cases were disposed within 1 year, there was significant delay found in Money Claims (34% took longer than 1 year to dispose), Complaints for Non material damage (44% took longer than 1 year) and Unjust Enrichment cases (26% took longer than 1 year).

**Chart CC-2: Percent of Civil Cases Delayed by Case Type**

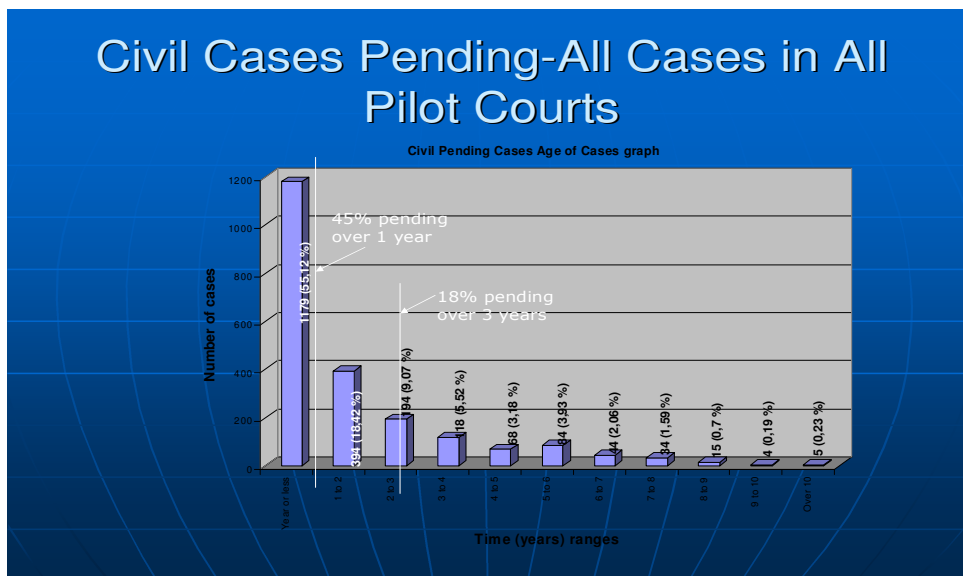


Complaints for Money Claims were the largest case type and also experienced significant delay with 34% taking over 1 year to disposition and 16% taking over 2 years to dispose. Delay issues are also prevalent in Non material damage, unjust enrichment and confirmation of property claims. Family complaints and Labor dispute case types displayed the lowest level of delay with greater than 90 percent of cases disposed within the 1 year standard.

## ***(2) Case Backlog in the Macedonia Courts***

By local definition, all cases civil pending are considered “backlog” cases in the Macedonia Basic courts. This means that cases that are one or two days old are counted as backlog the same as cases that are 10 years old. The lack of a definition and time standard for backlog, or what defines a case as delayed is a major obstacle to delay reduction efforts. Basic Court President Judges do attempt to manage the older cases in the system by frequent discussion with judges, review of registry books and by setting up informal standards and occasionally semi-automated ways to track the timeliness of cases within their own court. However, there is no common definition of backlog or standard set for time to disposition of a civil case. Case aging and backlog monitoring systems do not exist for all courts. There is also a strong reliance on cases disposed per judge. Monthly dispositions per judge are routinely maintained and form the basis for monthly review of judge productivity. No similar performance data is maintained or used as a performance indicator. This has contributed to the current situation wherein the number of older cases (over 1 years of age ) has become a problem in the courts surveyed.

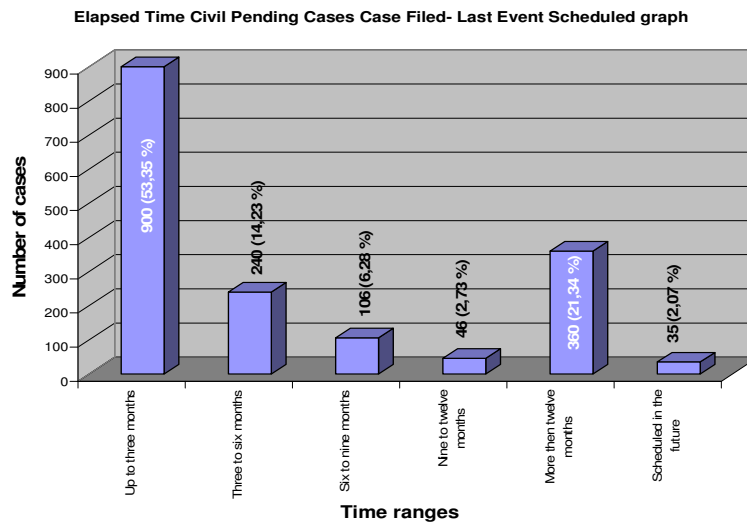
The total cases pending in the pilot courts showed the following distribution:



Clearly, the age of pending cases shows that a large portion of cases exceed three years of age. The number of cases pending in excess of one year was 45% and in excess of three years was 18%. There were active cases pending in excess of ten years found in the pilot courts. The aging of current pending civil cases is a significant problem area to be addressed.

An additional factor which may help to understand the nature of the backlog is the time of last scheduled event for the pending cases. Where no last scheduled event has occurred for a period of time, this may indicate an inactive case which may be a candidate for purging or dismissal.





The above analysis indicates that a majority (54%) of the pending cases had recent case activity within three months. However, in excess of 21% of the pending cases had not had any scheduled trial activity within the prior 12 months. Over 30 % of the pending cases in all seven courts had not had a scheduled event in over 6 months. This is indicative of a high number of inactive cases and a lack of control over older problem cases.

In summary the backlog of older cases in the Macedonia pilot courts is relatively high, however an analysis of pending cases by last scheduled event shows a potentially high number of cases that may be in an inactive status and thus be candidates for case purging. Significant efforts should be directed toward understanding the nature of older cases and to reduce the level of backlog in cases over 1 year and over 3 years. Efforts should be made to bring the pending caseload in line with standards presented below.

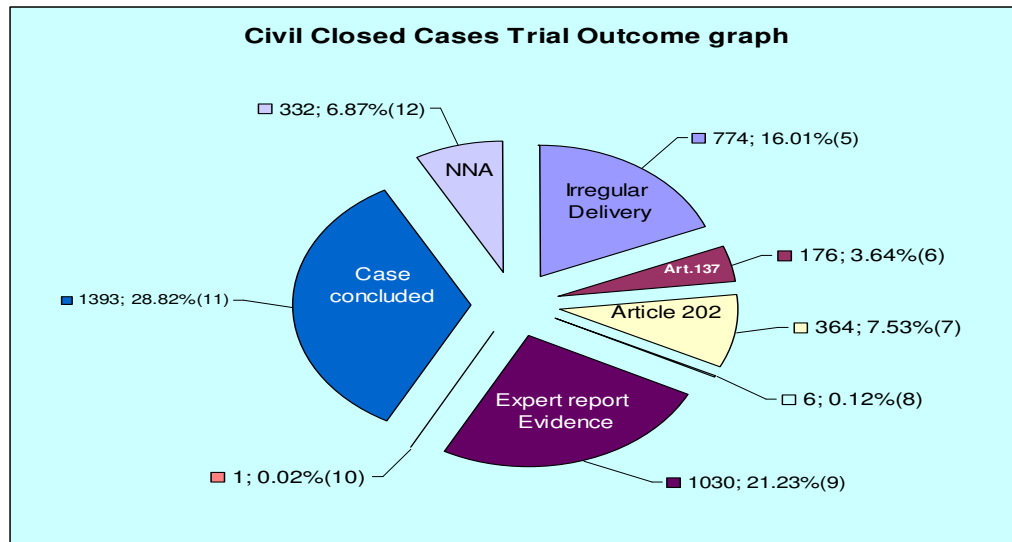
**Table I: Macedonia Pilot Courts Case Backlog As Compared to International Time Standards**

	Standard	Macedonia Courts % of Cases Pending
Cases pending < 12 months	90%	55%
Cases pending < 24 months	95%	74%
Cases pending < 36 months	100%	82%

### (3) Trial Certainty

Trial Certainty is a measure of the courts performance in setting reliable and meaningful trial dates. The predictability or certainty of going to trial on the date scheduled has been shown to be a key factor in effective case processing. Trial scheduling systems that are unreliable or result in excessive postponements lead to serious problems in case delay. The number of times a case is set for trial listing before it is disposed or the percentage of cases scheduled for trial that are actually tried or disposed on the trial date have been used as indicators or measures of trial certainty. The

closed case survey captured information on each scheduled trial event in each case in order to determine outcome of the hearings and the reasons for delay. Data was collected on over 5,000 scheduled hearings for all cases in the closed case sample. The results provide a profile of what happens at hearings scheduled in the Macedonia Basic Courts:



The percentage of cases tried or concluded in some manner on the trial date was 28.2%. Cases adjourned on the trial date for any reason totaled 71.2 percent. In practical terms, this result means that 7 out of 10 hearings that are scheduled in the Basic courts have no meaningful action on the hearing date. This is representative of a very low trial certainty rate, and an indication of a serious lack of control by the court over the progress of case processing. It is noted that most court staff have identified problems with notice delivery as a key contributor. The survey showed this to be correct, in part, as witnessed by the fact that 16 % of cases scheduled for trial were delayed due to notification problems. Yet, the problem with notification was not as serious as reported. In fact, cases delayed due to general postponement or “still stand” procedure at parties request made up a substantial portion 11.3 % of cases adjourned. Cases delayed due to “Expert reports/ evidence” problems made up the largest portion of reasons for adjournment at 21.2 percent. Commonly used measures or goals for trial certainty seek to limit adjournment rates to no greater than 25%. Rates above this level are indicative of a system that is “churning” cases or scheduling trial and hearing dates in the hope of some action, rather than managing and preparing the case for trial or other appropriate resolution. Finally, it should be noted that a full 7 percent of the cases scheduled for trial were noted as “properly noticed- did not appear”. When asked how this could be the case and what sanction are taken in this event, the response was that no sanction is available or taken for non appearance at trial. This is a situation that severely hampers the court in managing the civil process and requires consideration of sanctions or another appropriate remedy.

## V. Summary Recommendations

MCMP recommends that the Macedonia Judiciary embark on a national civil justice reform effort that targets three initial avenues: (1) Establish a National Civil Backlog and Delay Reduction plan, (2) Identify civil procedural reforms to implement simple default, dismissal and default judgment procedures and other case management and control procedures to assist judges in the civil case process; and (3) Introduce case standardized case management procedures and forms to improve the courts ability to screen , classify, manage , schedule and resolve civil cases based upon their nature and complexity.

Specific recommendations for actions to implement civil case management improvement are:

### General Case Management

- Set a national standard for the expected time to disposition of all civil cases according to case type and a standard definition for civil backlog as those cases pending over the national standard from date of case filing;
- Improve the level of case management information and exception reporting available to trial judges, president judges and court secretaries/administrators to better track and reduce case backlog and delay;
- Build a new statewide Civil Case Management System that integrates new requirements for differentiated case management practices with the new automated case processing system(ICIS) currently being piloted in the Macedonia Courts;

### Civil Case Initiation and Filing

- Revise the civil procedures to define and strengthen requirements for specific case information and proofs needed when submitting a claim;
- Institute the use of a standardized Case Information Statement, to be filed with each pleading, to assist the court in making an immediate screening and assessment of case management and judger assignment needs;
- Classify, assign and manage civil and commercial cases according to case complexity;
- Experiment with use of ADR /mediation in low value money claims and cases of continuing relationship between the parties as an alternative to trial;

### Court Control over the Pleadings/Notification Process

- Revise civil procedure to streamline notification procedures by requiring the filing party to ensure notification within 90 days of claim; Institute dismissal of complaint without prejudice procedure at 90 days, and dismissal with prejudice at 180 days for failure to provide effective notification;
- Revise civil procedure to require written answer to complaint within 20 days of notice and summons of complaint for all cases other than those designated as small money claims or dispossession;
- Revise requirements for effective service to include notice by the following: (1) regular and certified mail delivery to last known address, and (2) fixing or attaching notice to last verified address.
- Revise civil procedure to institute automatic default judgment for defendant failure to answer within 20 days of complaint or failure to appear at scheduled hearing with adequate verification of effective notification;

#### Pretrial/Trial Management

- Institute use of a standard assignment and scheduling notice and case management order in all cases other than expedited cases, e.g. small money claims and dispossession;
- Institute and enforce uniform trial postponement policy;
- Eliminate open ended general postponement of cases i.e. still stand procedure;
- Consider use of three Trial Judge Teams in Commercial cases with assignment of cases by team; one Settlement Judge/Two Trial Judges per team assisted by a Case Coordinator;
- Institute use of standardized Pretrial Management Order to be issued by the court 60 days prior to a firm trial date;
- Consider the use of master and hybrid trial calendar techniques as an alternative to the strict individual judge assignment system for expedited and less complex civil cases;
- Institute modern court record technology to replace manual paraphrased court minute to maintain the integrity of the trial court record;
- Introduce date certain trial scheduling policy that minimizes over and under scheduling of cases for trial;



## APPENDIX B

### Data Elements and Descriptions

**For each** data collection field on the survey form a description of what information is being sought, assumptions about the meaning of the data, and reasons for collecting and uses of the data are discussed below. These definitions will also form the basis for a data dictionary used to automate the analysis of the closed case survey data.

#### **DATA COLLECTION FORM 1**

##### **1. Court Code**

Each court will be assigned a unique code for purposes of analyzing the data and reporting comparative results. The code assigned to the court where this case was filed:

<u>Code</u>	<u>Basic Court</u>
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P	Prilep
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## 2. Court Case Number

This is the case number assigned by the Chief Clerk or Court Secretary of the Basic Court when the case is first filed and entered in the Case Register. The case number is recorded only for tracking and control of data quality which may require going back to the original case file to correct incomplete or missing information in the database. To protect the privacy of case information no individual party names will be collected and no data will be reported by case number, only aggregate data from groups of cases will be reported.

## 3. Case Type

This data element describes the nature of the claim (SEE CODE LIST A). It is a critical element in identifying categories of cases with similar case processing problems and needs. Ideally, the major types of claims will be identified and will be uniform across all courts, and there would be a separate procedural law for each category of case based upon complexity and amount of judge time required to resolve. It is important that this element be accurately reported, and that **cases that do not fit easily into one of the categories on the list be identified with a description of the type of claim provided on the form under “Other”**. This will allow the coders to see if a new case code should be added or to reduce miscoding of case type data.

## 4. Date Complaint Filed

The date on which the complaint was registered with the court. This date is considered the start date for court jurisdiction over the claim. The date will be the start point for calculating total elapsed time to disposition of the case. Recorded in mm/dd/yyyy format.

## 5. Date First Court Event

This date is obtained from the case register as the date of the first scheduled court event or intervention in the case. This date is important in establishing the first date of “early intervention” by the court in the case. Studies have found that the timing and the meaningful nature of this initial event can be a factor in future case delay. The event can be any event in which both parties are noticed to appear at a hearing, case management or settlement event. This date is recorded in mm/dd/yyyy format.

## 6. Date Case Concluded

The date the case was concluded or disposed by the court. This is the date on which the trial court concludes resolution of the dismissal, settlement or judgment of the claim or dispute. Post judgment or fulfillment actions that occur after the judgment or disposition date are not included in the elapsed time to disposition. The date will be the end point used to calculate the total elapsed time the case was pending with the court.

Some courts do not consider a case closed until after some period of time to appeal has elapsed without an appeal being taken, or the case comes back to the trial court after an appeal is taken.

**FOR PURPOSES OF THIS SURVEY the date of the original trial decision or judgment is considered the date of case conclusion.**

## **7. Disposition Type**

See code list B – Type of Disposition

## **8. Number of Parties**

This data element is added to identify cases that have more than two parties named in the claim. Generally, simple types of disputes will have one plaintiff and one defendant. Multiple party claims that involve more than one defendant or plaintiff can have added complexity and impact on judge time needed to resolve the case. This data element requires a response only where the coder finds that case involves multiple plaintiffs or defendants.

## **9. Is the claimant represented?**

. The question allows comparison of cases where the claimant is represented by an attorney with those where a claimant represents himself or herself. The absence of an attorney suggests greater court involvement either because the party is less well prepared or because the court must exercise more care to see that the party's rights are protected. It is also a factor that can be used for comparison of caseloads among courts. Accepted values are Y= Yes and N= No.

## **10. Is the accused represented?**

The question allows comparison of cases where the accused is represented by an attorney with those where an accused represents him or herself. The absence of an attorney suggests greater court involvement either because the party is less well prepared or because the court must exercise more care to see that the party's rights are protected. It is also a factor that can be used for comparison of caseloads among courts. Accepted values are Y= Yes and N= No.

## **11. Is there any party not represented?**

Some cases will involve more than one party on one or on both sides. The objective of this question is to identify if there is any party, other than the claimant and accused that is NOT represented by an attorney. Accepted values are Y= Yes and N= No.

## **12. If the claim is for money, what is the amount?**

There may not be data for this in some types of cases. Where no value is indicated code as NA. Where known use code list A1 as follows: Less than 150,000 MKD= 1; 150-500,000 MKD = 2; Greater than 500,000 MKD = 3.

## **13. Was there a response or first answer filed?**



Indicates whether the accused filed a response to answer the complaint. There are differences between courts on how formal they are about requiring a response. The absence or presence of a response in certain case types can be a factor in case delay. Accepted values are Y= Yes and N= No.

**14. Date the response was filed.**

If there was a response, this is the date the **first response** was filed by any accused in the case. The objective of this question is to see if and how soon responses are filed and the relationship of this factor to case delay.

**15. Was the case appealed to a Higher Court?**

In many courts a case is considered closed upon final judgment, regardless of whether it is appealed to a higher court. The appeal rate is relevant to this case processing study only to the extent that it may be related to case processing time. Accepted values are Y= Yes; N= No.

**16. Date the appeal was filed.**

This is the date that the notice or application of appeal was filed. Enter in mm-dd-yyyy format.

**17. Date of final Appellate or Supreme Court verdict.**

This is the final date that all appeals to higher courts are exhausted and final verdict is reached. This element allows the measurement of the amount of time that a case takes in the appeal stage following the judgment of the trial court. While this time may not reflect trial court delay, it provides information on delay from Basic Court judgment to final verdict after all levels of appeal.

**Data Collection Form 2 (Questions 18-20)**

**This information is gathered from the case files and clerks minutes of what happened at each hearing.**

**18. Date Hearing Scheduled**

The date of each scheduled hearing that was scheduled to appear before the court. Begin with the first date set by the court when the case was first registered. Information about the scheduled event should be recorded even if no hearing actually took place, for example if the case was reconciled prior to the hearing. This scheduled event information helps understand the certainty and efficiency of the case scheduling and management process.

## **19. Were all Parties Properly Notified?**

The question seeks information about what happened regarding the delivery of notices about the scheduled hearing. The failure to properly notice parties prevents the court from taking action in the case and leads to continuances. This element helps understand the effectiveness of the noticing process for scheduled events. The codes (**Code List C**) help identify the actual extent of various problems cited by judges and court staff, suggesting where to focus efforts to reduce or eliminate this source of delay.

## **20. What Happened at the Hearings?**

The purpose of this question is to identify what actually occurred at each scheduled court event in the case. A study of this activity will be critical to understanding case delay and help focus on delay reduction strategies to minimize the number of scheduled events where there is no or minimal meaningful case processing or judicial action occurring. **Code List D** provides a range of choices from minimal judicial involvement to maximum involvement in hearing witnesses and disposing of the case.

## Macedonia Pilot Court- Closed Case Survey

### Civil Case Data Collection Form

Item #	Sample case ID # -->				Available in the Register	Available in the case file
1*	Court Code					
2*	Court case number				Y	
3*	Date: Complaint filed <b>mo - day – yr (xx/xx/xxxx)</b>				Y	
4*	Case type				Y	
5	If the claim is for money, how much? (See Code List A1)				Y	
5*	Are there more then two parties in the case?					
6*	Date first (trial) event scheduled				Y	
7*	Date of the expert report requested (by the judge), or by the parties					Y
8	Date case concluded/disposed				Y	Y
9	Disposition type				Y	Y
10	Date: Appeal Filed <b>mo-day-yr ( xx/xx/xxxx)</b>				Y	Y
11	Was Case Appealed to Higher Court? (Y or N)				Y	Y
12	Date: Final Appellate/ Verdict <b>mo-day-yr ( xx/xx/xxxx)</b>				Y	Y
13	Date: filed ELR to the Supreme Court				Y	Y
14	Date: supreme Court verdict				Y	Y

	COMMENTS: Note any exceptional issues; missing data; problems with reliability of information					
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RECOMMENDED CODES: NA = not applicable; DK = don't know

\* Mandatory data items; others are optional depending on data availability and whether the item is applicable to the case.

Court Codes:

P=Prilep

Data Element # 12-Amount of Claim - CODE SHEET A1:

(Less than 150,000 MKD = 1; 150,000 -500,000 MKD = 2; Greater than 500,000 MKD = 3)

(Less than 3,000 EURO= 1; 3,000 EURO to 10,000. EURO = 2; Greater than 10,000. EURO = 3)

**SURVEY FORM 1**  
**Collection Form**

## Scheduled Hearings Data

**NUMBER:** \_\_\_\_\_

## CASE

**CODE:** \_\_\_\_\_

**COURT**

Record each **SCHEDULED COURT APPEARANCE** in this case:

[illegible]

RECOMMENDED CODES: NA = not applicable; DK = don't know

**NOTE: If there are more hearings, please use additional pages to document all hearings.**

## APPENDIX A

### Closed Cases by Type of Claim Macedonia Pilot Courts 2002

Claim Type	Count	%
Confirmation of property,	169	9.56 %
Disturbed possession,	79	4.47 %
Complaint about money claim,	482	26.99 %
Commercial disputes,	2	0.11 %
Contract Fulfillment,	70	3.96 %
Compensation of nonmaterial damage,	69	3.9 %
Compensation of material damage	118	6.67 %
Obstacle in performing the property right,	1	0.06 %
Unjust enrichment,	26	1.47 %
Moving from residential or business premises,	10	0.57 %
Labor dispute,	434	24.55 %
Family,	198	11.2 %
Other,	110	6.22 %